

PD-0790-17

IN THE COURT OF CRIMINAL APPEALS OF TEXAS
FILED
COURT OF CRIMINAL APPEALS
9/6/2017
DEANA WILLIAMSON, CLERK

KEITHRICK THOMAS
Appellant/Petitioner,
V.

STATE OF TEXAS
Appellee/Respondent.

**SECOND MOTION FOR EXTENSION OF TIME
TO FILE PETITION FOR DISCRETIONARY REVIEW**

TO THE HONORABLE SUPREME COURT OF TEXAS:

Comes Now Appellant/Petitioner and files this his Second Motion for Extension of Time to File Petition for Discretionary Review. In support of this motion, Appellant/Petitioner shows the following:

1. Appellant/Petitioner was convicted of the felony offense of Possession of a Controlled Substance Penalty Group 1 1-4 Grams on February 23, 2016. Appellant/Petitioner was assessed a sentence of two (2) years imprisonment on March 14, 2016. Notice of appeal was given on March 14, 2016. On October 27, 2016, the 14th Court Appeals set the appellate case for submission on December 7, 2016. The case was

submitted on December 7, 2016. The 14th Court of Appeals - Houston Division rendered its opinion and judgment in Keithrick Thomas, Appellant vs. The State of Texas, Appellee, No. 14-16-00230-CR, on June 8, 2017. The petition for review was originally due on July 10, 2017.

2. Appellant/Petitioner requested an extension of time to file Appellant's Petition for Discretionary Review. On July 31, 2017, this Court granted Appellant/Petitioner's Motion to Extend Time to File Petition for Discretionary Review and the petition was due on August 31, 2017.

3. Appellant/Petitioner relies on the following facts as a reasonable explanation for the requested extension of time: Counsel for Appellant/Petitioner resides and offices in Houston, Harris County, Texas. The Houston area was severely affected by Hurricane Harvey on August 25, 2017. Counsel for Appellant/Petitioner was negatively affected and immobilized by Hurricane Harvey and its aftermath.

4. Counsel is filing Appellant's Petition for Discretionary Review simultaneously with this motion.

WHEREFORE PREMISES CONSIDERED, Appellant/Petitioner prays that this Court grant this motion for extension of time, extending the time to

file Appellant's Petition for Discretionary Review to September 6, 2017.

Respectfully submitted,

/s/ N Westbrooks

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CERTIFICATE OF CONFERENCE

As required by Tex. R. App. P. 10.1(a)(5), I have been unable to confer with Harris County Assistant District Attorney Clint Morgan. The Harris County Criminal Justice Center, the location of Attorney Morgan's office, suffered flood damage and that office currently remains closed through September 8, 2017.

/s/ N Westbrooks

Nicolette Westbrooks

CERTIFICATE OF SERVICE

I certify that, on September 6, 2017, I served a copy of this motion through the electronic filing manager on the following: State of Texas, by and through Clint Morgan, 1201 Franklin Street, Suite 600, Houston, Texas 77002.

/s/ N Westbrooks
Nicolette Westbrooks